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Judge Benjamin H. Settle

Local Counsel for Trans Union, LLC

**UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON (TACOMA)**

PAUL SLOWEY,
 Plaintiff,

vs.

EQUIFAX INFORMATION SERVICES,
 LLC; EQUIFAX CREDIT INFORMATION
 SERVICES, INC.; EQUIFAX COMMERCIAL
 SERVICES, INC.; EXPERIAN
 INFORMATION SOLUTIONS, INC.; and
 TRANS UNION, LLC;
 Defendants.

CASE NO. 3:09-cv-05162-BHS

**TRANS UNION, LLC'S ANSWER TO
 PLAINTIFF'S COMPLAINT AND
 AFFIRMATIVE DEFENSES**

Trans Union, LLC ("Trans Union"), by counsel, responds to Plaintiff's Complaint (the "Complaint") as follows. For the Court's convenience, Plaintiff's allegations are set forth verbatim with Trans Union's responses immediately following.

1. Plaintiff Paul Slowey is a natural person and a resident of Clark County, Washington.

ANSWER: Trans Union states that it has insufficient knowledge at this time to admit or deny the allegations of this paragraph.

2. Defendant Equifax Information Services, LLC is a limited liability company authorized to do business under the laws of the State of Georgia. Defendant Equifax Credit

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1 Information Services, Inc. is believed to be a corporation licensed under the laws of the State of
 2 Georgia. Defendant Equifax Commercial Services, Inc. is also believed to be a corporation
 3 licensed under the laws of the State of Georgia,

4 **ANSWER:** Trans Union states that it has insufficient knowledge at this time to admit or
 5 deny the allegations of this paragraph.

6 3. Defendant Experian Information Solutions, Inc. is a corporation licensed to do
 7 business under the laws of the State of Ohio.

8 **ANSWER:** Trans Union states that it has insufficient knowledge at this time to admit or
 9 deny the allegations of this paragraph.

10 4. Defendant Trans Union, LLC is a limited liability company authorized to do business
 11 under the laws of Delaware.

12 **ANSWER:** Trans Union admits that it is a Delaware limited liability company with its
 13 principal place of business in Chicago, Illinois.

14 5. All three defendants are engaged in fee business of providing credit reports.

15 **ANSWER:** To the extent that the allegations in this paragraph relate to Trans Union,
 16 Trans Union admits that it is a "consumer reporting agency" as that term is defined by the Fair
 17 Credit Reporting Act, 15 U.S.C. Section 1681, et seq.

18 6. Plaintiff was sued on an obligation for which he had no liability by Sherrett Services
 19 in that matter entitled *Sherrett Services v. Bamburgh Marrsh and Slowey*, Multnomah County
 20 Circuit Court Case No. 0805 07829. In that suit, Sherrett Services improperly obtained a
 21 default judgment. Plaintiff learned of the default judgment through receipt of a credit report.

22 **ANSWER:** Trans Union states that it has insufficient knowledge to admit or deny the
 23 allegations of this paragraph.

24 7. After plaintiff learned of the judgment, he moved to set it aside. The judgment was
 25 ultimately vacated and the matter was dismissed by order entered January 29, 2009.

1 **ANSWER:** Trans Union states that it has insufficient knowledge at this time to admit or
 2 deny the allegations of this paragraph.

3 8. After dismissal of the action filed by Sherrett Services, plaintiff requested defendants
 4 to investigate the pendency of this judgment pursuant to 15 U.S.C. §1681(i)-Defendants claim
 5 to have conducted an investigation. However, none are acknowledging dismissal of the suit
 6 that was filed, by Sherrett Services.

7 **ANSWER:** Trans Union states that it has insufficient knowledge at this time to admit or
 8 deny the allegations of this paragraph.

9 9. The failure to correct plaintiff's credit report by defendants is either negligent or
 10 willful.

11 **ANSWER:** To the extent that the allegations in this paragraph relate to Trans Union,
 12 Trans Union denies the allegations contained in this paragraph.

13 10. As a result of the actions of Equifax Information Services, LLC; Equifax Credit
 14 Information Services, Inc.; and/or Equifax Commercial Services, Inc. plaintiff has been
 15 damaged in amounts to be proven at time of trial.

16 **ANSWER:** Trans Union denies that Plaintiff's alleged damages were proximately caused
 17 by a violation of the FCRA by Trans Union.

18 11. Plaintiff is entitled to declaratory relief as against all defendants to the effect that the
 19 aforementioned suit filed by Sherrett Services has been dismissed.

20 **ANSWER:** Trans Union denies that Plaintiff is entitled to any of the relief requested
 21 from Trans Union.

22 12. If the actions of defendants are found to be willful, plaintiff is entitled to an award of
 23 punitive damages in amounts to be determined at trial.

24 **ANSWER:** Trans Union denies that Plaintiff is entitled to any of the relief requested
 25 from Trans Union.

13. Pursuant to 15 U.S.C. §1681n and/or 15 U.S.C. § 1681o, plaintiff is entitled to an award of attorney's fees and costs.

ANSWER: Trans Union denies that Plaintiff is entitled to any of the relief requested from Trans Union.

WHEREFORE, plaintiff prays for relief as follows:

1. For compensatory damages against Equifax Information Services, LLC; Equifax Credit Information Services, Inc.; Equifax Commercial Services, Inc.; Experian Information Solutions, Inc.; and/or Trans Union, LLC in amounts to be proven at time of trial together with punitive damages should the conduct of any of the defendants be proven to be willful.

ANSWER: Trans Union denies that Plaintiff is entitled to any of the relief requested from Trans Union.

2. For declaratory relief as against all defendants to the effect that the aforementioned suit brought by Sherrett Services has been dismissed.

ANSWER: Trans Union denies that Plaintiff is entitled to any of the relief requested from Trans Union.

3. For an award of attorney's fees and costs.

ANSWER: Trans Union denies that Plaintiff is entitled to any of the relief requested from Trans Union.

4. For such other and further relief as the Court may deem just.

ANSWER: Trans Union denies that Plaintiff is entitled to any of the relief requested from Trans Union.

AFFIRMATIVE DEFENSES

1. Plaintiff has failed to state a claim against Trans Union upon which relief may be granted.

2. Plaintiff's state law and common law claims are pre-empted by the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq.

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3. Trans Union's reports concerning Plaintiff were true or substantially true.

4. Trans Union has at all times followed reasonable procedures to assure maximum possible accuracy of its credit reports concerning Plaintiff.

5. Plaintiff's claims are barred, in whole or in part, by the applicable statute of limitations.

6. Plaintiff's claims are barred, in whole or in part, by 15 U.S.C. §§ 1681h(e) and/or 1681(t).

7. At all relevant times, Trans Union acted within the absolute and qualified privileges afforded it under the FCRA, the United States Constitution, applicable State Constitutions, and the common law.

8. Plaintiff's claims are barred, in whole, or in part, by the equitable theories of estoppel, waiver, and laches.

9. Plaintiff has failed to take reasonable steps to mitigate his damages, if any.

10. Plaintiff's damages are the result of acts or omissions committed by Plaintiff.

11. Plaintiff's damages are the result of acts or omissions committed by the other parties over whom Trans Union has no responsibility or control.

12. Plaintiff's damages are the result of acts or omissions committed by non-parties to this action over whom Trans Union has no responsibility or control.

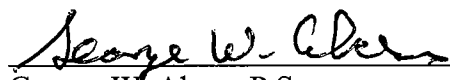
13. Any claim for exemplary or punitive damages asserted by Plaintiff violates Trans Union's rights under the Due Process and Excessive Fines clauses of the Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and the analogous provisions of applicable State Constitutions, and under the First Amendment of the United States Constitution and the analogous provisions of applicable State Constitutions.

14. Trans Union reserves the right to assert additional defenses as may become apparent through additional investigation and discovery.

WHEREFORE, Defendant Trans Union, LLC, by counsel, denies that Plaintiff is entitled to judgment or to any of the relief sought, and respectfully requests that judgment be entered in its favor and against Plaintiff on all counts set forth in the Complaint, and that Trans Union, LLC be awarded its costs incurred in defending this action, along with such other relief as this Court deems equitable and just.

Respectfully submitted,

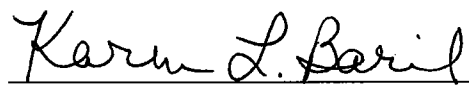
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George W. Akers, P.S.
WA State Bar No. 00498
Local Counsel for Trans Union, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing TRANS UNION, LLC'S ANSWER TO PLAINTIFF'S COMPLAINT AND AFFIRMATIVE DEFENSES has been filed electronically on the 30th day of March, 2009. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing.

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